S.B. CR.MISC.BAIL APPL.NO.7397/2007.

Rajendra alias Raju
Vs.
State

Date of order : 6/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Kamlendra Sihag for the petitioner.
Shri Ashvini Sharma PP for the State.

******

Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that the allegation against the petitioner is of committing offences under Sections 457 and 380 IPC and both are punishable by the maximum punishment of seven years imprisonment. In the self-same FIR, co-accused Shyamlal and Kesar Dev have already been released on bail by the co-ordinate Bench of this Court vide order dated 12/6/2007 in SB Cr.Misc.Bail Appl.No.3856/2007. The petitioner was arrested in the month of April, 2007 and since then he is in jail. Challan in the matter has already been filed. Further detention of the petitioner is no longer required for any purpose of investigation.

Learned Public Prosecutor has opposed the bail application and has argued that in view of seriousness of allegations against the petitioner, he

is not entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioner on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Rajendra alias Raju S/o Sukhdev shall be released on bail in F.I.R. No.4/2002 P.S. Jobner, for offences under Sections 457 and 380 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioner is found again indulging himself in similar offence in future, the liberty of bail granted to him shall be liable to be cancelled on prosecution moving the court of sessions for cancellation of his bail.

(MOHAMMAD RAFIQ), J.

anil/-